

Submitted April 24, 2013
Approved as of
Date April 24, 2013

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 05-2013
Wednesday, March 13, 2013**

The City of Rockville Planning Commission convened in regular March 13, 2013.

PRESENT

Jerry Callistein, Chair

Don Hadley	David Hill
Jack Leiderman	Kate Ostell
John Tyner	Dion Trahan

Absent: None

Present: Bridget Donnell Newton, Council Liaison
Andrew Gunning, Assistant Director, CPDS
Marcy Waxman, Assistant City Attorney
Jim Wasilak, Chief of Planning
Bobby Ray, Principal Planner
Jeremy Hurlbutt, Planner III
David Levy, Chief of Long Range Planning
Cindy Kebba, Planner III

Prior to hearing the first item, Commissioner Hill offered a statement of disclosure with an acquaintance, Mr. Eden, with Twinbrook Partners, LLC, through the sports activities of their sons. He stated that they both agreed not to discuss anything that had to do with this application. He said they did engage in a discussion about transit use and its limitations on the Pike Corridor; seeking his experience in terms of what can benefit the City. He further stated that he does not feel predisposed through his acquaintance with Mr. Eden on this application and would entertain any objection on his ability to serve.

There were no objections by the Commission.

I. REVIEW AND ACTION

STP2013-00140, Site Plan, Twinbrook Partners, LLC, for the redevelopment of 4.20 acres of the 6.75 acres site for construction of Phase I, which proposes 407 multi-family residential units,

19,000 square feet of retail, 9,000 square feet of restaurant, 44,000 square feet of health club and 140,000 square feet of office, in the MXTD Zone, at 1592 Rockville Pike.

Jeremy Hurlbutt presented the staff report and made corrections the following conditions: #5, #10, #24.

Commissioner Hill requested that the floor be opened for public comment on the issue of notice and posting and the following person spoke:

Sam Shipkovitz stated that he saw only one sign posted on Rockville Pike, which is contrary to the two sign postings mentioned in the initial staff report. He directed several questions to Staff regarding the time and date the signs were posted and also asked Staff if they verified whether the matrix matched the map.

Bob Dalrymple, of Linowes and Blocher, representing the applicant, Twinbrook Partners LLC, spoke on their behalf, stating that the affidavits of posting and mailing of notices are compliant with the City ordinance. They sent mailings to residents within 1,500 feet of the site.

He stated the signs were involuntarily removed and therefore temporary signs were put in their place. Once the new signs arrived later that day, they were bolted in place to deter any further tampering.

Mr. Dalrymple also stated that they are in agreement with Staff on all conditions including all amendments and corrections.

Jim Alexander of Twinbrook Partners stated he has held several meetings with various Rockville civic associations, WMATA, etc., to keep them abreast of the progress of this project.

He summarized the following benefits to the community:

- Transit Oriented – pedestrian friendly/public transit use
- 15% MPDUs
- Environmentally sensitive
- New roads to assist in the street network
- Improved Infrastructure
- Revenue & Jobs

Daniela Shtory, Design Principle with Torti Galla, provided more detail on the building design as it related to its scale and façade. He also answered questions from the Commission.

Nancy Randall, a Traffic Consultant with Twinbrook Partners, addressed the Commission with insight on a question posed by Commissioner Ostell about the need to mitigate Route 355 and Halpine Road.

The Public Hearing was opened and the following speakers addressed the Commission:

Sam Shipkovitz stated he was not in favor of the scale of the residential building because it will negatively impact residential parking in the surrounding neighborhoods and suggested it be scaled down.

Steve Van Grack, attorney for Zion Avassar, owner of a 1.5 acre piece of property at the corner of Rockville Pike and Halpine Road asked the Commission to keep the record open for two weeks to allow Mr. Avassar ample time to respond with legitimate comments to the Twinbrook project. They also spoke about an ingress/egress easement.

John Brenner, who represents the owners of 1582 Rockville Pike, stated that they do not oppose the alignment of Chapman Road as proposed, and they do not expect it to cut through their parking lot.

Christina Ginsberg, President of the Twinbrook Citizens Association, addressed the noticing of other projects. She also addressed the following topics: the point of order, parking, massing of building, the APFO, demographic shifts, and street tree/tree boxes. She also requested the Commission to hold off on making a decision for two weeks, so that a different rendering of the building façade can be submitted.

The public testimony portion was closed.

Commissioner Tyner moved, seconded by Commissioner Ostell, to approve STP2013-00140, Site Plan, Twinbrook Partners, LLC, for the redevelopment of 4.20 acres of the 6.75 acres site for construction of Phase I, with updated findings and conditions.

Commissioner Hill offered a sympathetic addition, adding a condition that would become number 33, which would pertain to not allowing any physical barriers segregating parking within the structures without review and approval of the Chief of Planning, and this was accepted.

Jeremy Hurlbutt summarized the motion as follows: “Commissioner Tyner moved to approve STP2013-00140, with modifications as stated in the staff report for Conditions 5, 10 and 25 as corrected during the presentation and findings, added language to Findings #1, with the addition of two conditions. He suggested adding the architectural condition be placed at #8 and then renumber the remainder and would read: ‘The applicant will present to staff revised façade drawings that meet the intent of the design guideline, that the building walls greater than 100 feet include a projections and recessions on the Rockville Pike frontage.’ He would also interject Condition #33, which would be renumbered from that point on, which would read: ‘Any physical barriers in the parking area be approved by the Chief of Planning before the install.’”

After discussion, Commissioner Tyner called the question on the motion.

The motion passed 6-1 (Commissioner Leiderman voted No).

II. COMMISSION ITEMS

- A. Staff Liaison Report – Mr. Gunning provided an update to the Commission regarding the next meeting and also informed them that they will adopt the Final Rules of Procedure and there will be two separate public hearings for the Rockville's Pike Plan, with one on the Plan and the other on the Code.
- B. Old Business
- C. New Business – Commissioner Tyner suggested that MPDUs demographics need to be reassessed. Commissioner Hill requested Staff get back with them on the resolution of the architectural revisions on site plan STP2013-00140.
- D. Minutes – Commissioner Tyner moved, seconded by Commissioner Ostell to approve meeting minutes 03-2013 dated February 13, 2013 as amended. The motion passed 7-0. Commissioner Tyner moved, seconded by Commissioner Ostell to approve meeting minutes 04-2013 dated February 27, 2013. The motion passed 7-0.
- E. FYI Correspondence

III. ADJOURN

There being no further business to come before the Planning Commission, the Chair adjourned the meeting at 10:36 p.m.

Respectfully Submitted,

Sandra Y. Driver, Commission Secretary